

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Docket No: GT-4722

Anticipated Classification of

this application:

Class: 428

Subclass: 85

Prior Application: 09/032,667

Examiner: Miehl, P.

Art Unit: 1714



Assistant Commissioner for Patents Washington, D. C. 20231

## BEST AVAILABLE COPY

Sir:

This is a request for filing a [] continuation [X] divisional application under 37 CFR 1.53, of pending prior application Serial No. 09/032,667, filed on 2/27/98, of Richard Russell Lattime, Jaclyn Beth Laurich, and George Robert Handley, for CARPET LATEX COMPOUND.

- 1. [X] Enclosed is a copy of the prior application, including the oath or declaration as originally filed and an affidavit or declaration verifying it as a true copy. (See 8 and 8a for drawing requirements).
- a.[X] Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- 2. [X] The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION, PLUS OR MINUS ANY CLAIMS ADDED OR CANCELLED BY ANY AMENDMENTS NOTED BELOW

#### **SMALL ENTITY/LARGE ENTITY**

Total Claims 18 - 20 = 0 X \$11.00/\$22.00 = \$0

Independent Claims  $3 - 3 = 0 \times $41.00/$82.00 = $0$ 

Multiple dependent claims,

if any, add surcharge of + \$135.00/\$270.00 \$0

Basic fee:

\$395.00/\$790.00

TOTAL PRINCES

TOTAL FILING FEE: \$ 790.

3. [X] The Commissioner is hereby authorized to charge any fees which may be

# CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10 - SEPARATE PAPER

Applicant: R. Lattime, et al.

Serial No.: Division Application of 09/032,667 (Filed 2-27-98)

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Filed:

For:

CARPET LATEX COMPOUND

Examiner: P. Michl

Group Art Unit: 1714

"EXPRESS MAIL" LABEL NO.: EL 692407514 US

DATE OF DEPOSIT: September 6, 2000

I hereby certify that this paper or fee is being deposited in the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D. C. 20231.

Respectfully submitted,

HUDAK & SHUNK CO., L.P.A.

Daniel J. Hudak

Registration No. 25,879

DJH/sab

7 West Bowery Street, Suite 808 Akron, OH 44308-1133 Telephone: (330) 535-2220

Attorney Docket No.: GT-4722

GC-EW-DIV

Enclosures:

Express Mail Certificate

Return Postcard

A Divisional Application under 37 CFR 1.53(b)

A copy of the Declaration and Power of Attorney

An Associate Power of Attorney

A copy of the parent application SN 09/032,667, filed 2/27/98

Information Disclosure Statement, PTO Form-1449

required, or credit any overpayment to Account No. \_\_08-3150\_. A duplicate copy of this sheet is enclosed.

- 4. [X] A check in the amount of \$\_790.00 is enclosed.
- 5. [X] Cancel in this application original Claims 1, 4-15, 18-20 of the prior application before calculating the filing fee (at least one original independent claim must be retained for filing purposes) so that only Claims 2, 3, 16 and 17 remain in this application.
- Amend the specification by inserting before the first line the following:

  BEST AVAILABLE COPY 6. []

### --CROSS-REFERENCE

This is a division of application Serial No. 09/032,667, filed on 02/27/98, of Richard R. Lattime, Jacyln B. Laurich and George R. Handley, for CARPET LATEX COMPOUND, which in turn is a regular application claiming the benefit of U. S. Provisional Application 60/042,046 filed March 14, 1997, for Carpet Latex Compound.

- 7. [] Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by a person authorized by Rule 138 and before payment of the Base Issue Fee.)
- 7a. [] New formal drawings are enclosed.
- 8. [] Priority of application Serial No. in (country) is claimed under 35 USC §119.
- The certified copy has been filed in prior application Serial No. 8a. []
- 9. [X] The prior application is assigned of record to The Goodyear Tire & Rubber Company, said Assignment recorded on 7/12/99, at Reel 010081, Frame 0555.

The prior application was then assigned of record from The Goodyear Tire & Rubber Company to GenCorp Inc. recorded on 3/8/99 at Reel 9796, Frame 0329 and then assigned to OMNOVA Solutions Inc., said Assignment recorded on 10/18/99, at Reel 010316, Frame 0057.

10. [X] The power of attorney in the prior application is to Daniel J. Hudak, Hudak & Shunk Co., L.P.A., Reg. No. 25,879; Robert F. Rywalski, OMNOVA Solutions Inc., Reg. No. 25,125; Alvin T. Rockhill, The Goodyear Tire & Rubber Company, Reg. No. 30,417.

Please delete Alvin T. Rockhill.

Please also recognize the following attorneys:

Laura F. Shunk, Reg. No. 31,423; Frank C. Rote, Jr., Reg. No. 20,395; Nestor W. Shust, Reg. No. 23,034; Michele M. Tyrpak, Reg. No. 42,192; Charles A. Crehore, Reg. No. 27,628; and Cheryl L. Farine, Reg. No. 36,796, all of Hudak & Shunk Co., L.P.A.

a.[X]	The power appears in the original papers in the prior application.			
b.[ ]	Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.			
c.[X]	Address all future communications			
	Robert F. Rywalski, Esq. Assistant Secretary and Chief Pater OMNOVA Solutions 175 Ghent Road Fairlawn, OH 44333-3300	nt Counsel	BEST	AVAILABLE COPY
11. [X]	A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)			
12. [X]	I hereby verify that the attached papers are a true copy of prior application Serial No. 09/032,667 as originally filed on 02/27/98.			
The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.				
(Date) Daniel J. Hudak				
Address of signa	tor:			
HUDAK & SHU 7 West Bowery Suite 808 Akron, OH 4430		[] Inventor(s) [] Assignee of complete [X] Attorney or Agent o [] Filed under Rule 34(	of Record	

Telephone: (330) 535-2220

Attorney Docket: GT-4722

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b:rule-60.div/Forms